

#3 IPS
D.Townsend
05/13/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC971 U.S. PRO
10/086045
02/26/02

IN THE APPLICATION OF : Joji Hatanaka
FOR : MOVABLE RACK SYSTEM
SERIAL NO. :
FILED : February 28, 2002
EXAMINER :
ART UNIT :
ATTORNEY DOCKET NO. : MM7501US

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, publications and other information listed on the attached form PTO-1449. A copy of each listed document is enclosed *except for* documents previously cited by or submitted to the Office in a prior application(s) relied upon for an earlier filing date under 35 U.S.C. 120, said prior application(s) identified below:

<u>Serial No.</u>	<u>Filing Date</u>
-------------------	--------------------

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional)

I hereby certify that, on the date shown below, this correspondence is being

MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231
37 CFR 1.8(e)
 with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee" Mailing Label
37 CFR 1.10
No. EU136000098US.

Date: February 28, 2002


Elaine Zakerzewski

Type or print name of person certifying

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

2. Pursuant to 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

3. Pursuant to 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited in this Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

4. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- Copy of each English language version of a search report by a foreign patent office in a counterpart foreign application, indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents."
- English-language abstract.

(X) 5. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed:

- concurrently with the filing of the national application; or
- within 3 months of the filing date of a national application; or
- within 3 months of the date of the entry of the national stage as set forth in 37 CFR 1.491 in an international application; or
- before the mailing date of a first Office Action on the merits.

{NOTE: Statements filed within the foregoing periods require neither a fee nor a Certification}

- 6. Pursuant to 37 C.F.R. 1.97(c) this Statement is being filed *after* the mailing date of a first Office Action on the merits but *before* the mailing date of either: a Final Office Action under 37 C.F.R. 1.113 or a Notice of Allowance under 37 C.F.R. 1.311, whichever occurs first. Accordingly, this Statement is accompanied by:
 - Certification as specified in 37 C.F.R. 1.97(e); OR
 - The submission fee set forth in 37 C.F.R. 1.17(p). Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement
- 7. Pursuant to 37 C.F.R. 1.97(d) this Statement is being filed *after* the period specified in 37 C.F.R. 1.97(c), but *before or concurrent with* payment of the Issue Fee. Accordingly, this Statement is accompanied by:

- A. Certification as specified in 37 C.F.R. 1.97(e); AND
- B. The submission fee set forth in 37 C.F.R. 1.17(p). Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement.

() 8. Statement filed *after* payment of Issue Fee, but *before* patent grant:

This Statement is being filed *after* payment of the Issue Fee, but *before* grant of the patent; accordingly it is understood that this Statement will *not* be considered. However, it is respectfully requested that this Information Disclosure Statement be placed in the application file. {NOTE: no fees or certification required}

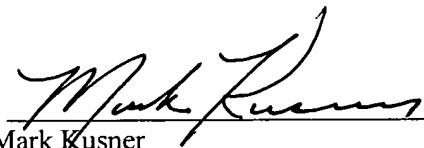
() 9. CERTIFICATION under 37 C.F.R. 1.97 (e) (if applicable):

- () The undersigned hereby certifies that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Information Disclosure Statement, OR
- () The undersigned hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Information Disclosure Statement.

The Commissioner is hereby authorized to charge any additional fees required for consideration of this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0537, identifying our Docket No. MM7501US.

Respectfully submitted,

Date: February 28, 2002



Mark Kusner
Registration No. 31,115

Mark Kusner Co., LPA
Highland Place – Suite 310
6151 Wilson Mills Road
Highland Heights, Ohio 44143
440-684-1090 (phone)
440-684-1095 (fax)